

REMARKS/ARGUMENTS

The Office Action of May 13, 2004, has been reviewed and considered. In the Office Action, claims 3, 5 and 6 were indicated to be allowable if rewritten in independent form. Claims 1, 2 and 4 were rejected under 35 U.S.C. §102(b). Also, claim 7 was objected to for being improperly multiply dependent.

Claims 3, 5 and 6 have been rewritten in independent form as suggested in the Office Action. Claims 1 and 2 have been cancelled. New independent claim 8 has been added. Claims 4 and 7 have also been amended. Reconsideration and allowance of the application is requested.

The form of claim 7 was objected to as being improper. Specifically, claim 7 was determined to be improper because it included the phrase "any one of the preceding claims". However, claim 7 was amended in a Preliminary Amendment filed with the application on October 22, 2003. In the Preliminary Amendment, the phrase "any one of the preceding claims" was replaced by the phrase "claim 1". It is submitted that claim 7 as presented in the Preliminary Amendment is in proper form.¹ Withdrawal of the objection is requested.

Claim 8 recites a clamping piece of springy sheet metal that includes two support lobes for spacing a spring bottom of the clamping piece from a component that is being secured to a panel. The clamping piece also includes two arms that extend from the spring bottom. The arms each have a V-shaped latching recess of such depth that when the clamping piece is in a latched position within an opening in the panel, the arms encompass respective edges of the panel opening. The support lobes have a length along the spring bottom that is shorter than a distance between the latching recesses of the arms. As a result, when the clamping piece is secured

¹ A copy of the Preliminary Amendment filed on October 22, 2003 and the dated postcard are attached hereto.

within the panel and pressure is applied to the spring bottom, the support lobes extend between said arms and through the panel opening in the direction of the component to maintain a minimum distance between the component and said spring bottom.

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,426,799 to Tinnerman and U.S. Patent No. 4,606,688 to Moran et al. The rejection of claim 1 is moot in view of the cancellation of claim 1. However, the rejection will be addressed as if applied against new claim 8.

The patent to Tinnerman discloses a fastening device that can be secured within an opening in a panel. The fastening device includes arms that extend through the panel opening and a bottom portion that has an opening for receiving a bolt. The patent to Tinnerman illustrates that only the arms extend through the panel. The fastening device of Tinnerman does not include any support lobes for spacing a component from the bottom of the fastening device. Instead, it relies on the thickness of the panel for its spacing.

The patent to Moran discloses a fastening device that is similar to that of Tinnerman. The fastening device of Moran includes arms that extend continuously from a first side of a panel, through an opening in a panel, and back toward the first side of the panel along a sidewall of a nut that can be positioned in the panel opening. The patent to Moran does not disclose a spring bottom as recited in claim 8. Additionally, it does not include support lobes that extend a distance along a spring bottom that is shorter than the distance between the arms.

As can be understood from the above-discussion and review of the cited publications, neither of the disclosed fastening devices include support lobes that (1) have a length along a spring bottom that is shorter than a distance between the arms and (2) extend from a spring

bottom such that when pressure is applied to the spring bottom by a screw, the support lobes will extend between the arms and through the panel opening in the direction of the component to maintain a minimum distance between the component and said spring bottom. Therefore, the patents to Tinnerman and Moran do not anticipate claim 8. Withdrawal of the rejection is requested.

Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,627,294 to Bedford, Jr. and U.S. Patent No. 3,426,817 to Parkin et al. The rejection of claims 1 and 2 is moot in view of the cancellation of claims 1 and 2. However, the rejection will be addressed as if applied against new claim 8. Claim 8 recites the clamping piece discussed above.

The patent to Bedford discloses a fastening device used to engage a panel and secure a member to the panel. Contrary to the present invention, the fastening device of Bedford includes end walls that extend along the bottom plate a greater distance than the gap between the latching recesses. This added distance of the end walls permits the end walls to contact the side walls and limit the total movement of the end walls. Accordingly, the patent to Bedford does not anticipate claim 8. Withdrawal of the rejection is requested.

The fastening nut illustrated in the patent to Parkin does not secure a component to a panel. Instead, it is secured into an opening in a panel and receives a bolt or other threaded member that operates as an adjustable stop or buffer. The stop or buffer can limit the movement of another member, such as an accelerator for an automobile. The fastening nut does not include a spring bottom. Instead, the bottom stays stationary so that the bolt or other threaded member will not deflect when contacted by the member that it stops. If the bottom were a spring bottom,

The patents to Pierce and Mitchell do not anticipate claim 4 because they at least fail to disclose that the fastener curves from the latching recesses to a spring bottom. The patent to Pierce discloses that the walls that receive the panel include linear sections extending at right angles to each other between the latching recesses and the bottom. As a result, the Pierce fastener does not include the curved walls recited in claim 4.

Similarly, the nut disclosed in the patent to Mitchell is not continuously curved because the walls include the linear sections illustrated in the figures. Also, the patent to Mitchell does not disclose a member that extends from a spring bottom and spaces the spring bottom from the outer member. Instead, as illustrated in Figure 1 of Mitchell, the cylindrical shaped portion that defines the thread receiving hole does not engage the outer member in order to maintain the bottom of the fastener a minimum distance from the outer member. Therefore, the patents to Pierce and Mitchell do not anticipate claim 4. Withdrawal of the rejection is requested.

Claims 3, 5 and 6 were indicated to be allowable if rewritten in independent form in the outstanding Office Action. Claims 3, 5 and 6 have been amended accordingly. Additionally, additional amendments have been made to these claims to improve their clarity in response to their being rewritten in independent form. Allowance of claims 3, 5 and 6 is requested.

In view of the above discussion, Applicant submits that claims 3-8 are allowable over the prior art. A notice to this effect is requested.

Appln. No.: 10/689,838
Amendment dated August 13, 2004
Reply to Office Action of May 13, 2005


The Commissioner is authorized to charge any fees related to this matter to Deposit
Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: August 13, 2004

By:



Brian E. Hanlon
Registration No. 40,449

1001 G Street, N.W.
Washington, D.C. 20001-4597
Tel: (202) 824-3000
Fax: (202) 824-3001

the purpose of the fastening nut would be ruined. Also, as clearly shown in the figures of the patent to Parkin, the arms do not have V-shaped latching recesses that encompass respective edges of a panel opening. Instead, the arms of Parkin merely bent at a right angle so that they form an L-shaped profile. Accordingly, the patent to Parkin does not disclose the clamping piece recited in claim 8. Withdrawal of the rejection is requested.

Claims 1 and 4 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,822,845 to Pierce and U.S. Patent No. 1,881,836 to Mitchell. The rejection of claim 1 is moot in view of the cancellation of claim 1. However, the rejection will be addressed as if applied against claim 4 and new claim 8.

The patents to Pierce and Mitchell both disclose a fastening nut having recesses that can receive the edges of a panel opening. They also disclose that the lower surface of each fastening nut has a cylindrically shaped member with an opening for receiving a threaded post of a bolt. The cylindrical shaped members extend from the bottom of the fastening nut back toward the bolt head.

Neither of these patents discloses the clamping device recited in claim 8. Specifically, neither patent discloses a clamping device including support lobes that (1) have a length along a spring bottom that is shorter than a distance between the arms that receive the edges of the panel and (2) extend from a spring bottom such that when pressure is applied to the spring bottom by a screw, the support lobes will extend between the arms and through the panel opening in the direction of the component to maintain a minimum distance between the component and said spring bottom. Therefore, the patents to Pierce and Mitchell do not anticipate claim 8. Withdrawal of the rejection is requested.